

California Regional Water Quality Control Board  
Santa Ana Region

March 4, 2005

ITEM: 29

SUBJECT: Executive Officer's Report

DISCUSSION:

- 1. Addition to the List of Supplemental Environmental Projects – A** discharger may satisfy some or all of the monetary assessment imposed in an administrative civil liability complaint (ACLC) or a mandatory penalty complaint (MPC) by funding or completing one or more supplemental environmental projects (SEPs). SEPs are projects that enhance the beneficial uses of waters of the State, provide a benefit to the public at large, and that, at the time they are included in an ACLC/MPC action, are not otherwise required of the discharger.

In May 2002, the Board approved a list of candidate SEPs that dischargers could choose to undertake. This list was subsequently updated in October 2002 and March and December 2004. We have been presented with a new project proposed by the Southern California Coastal Water Research Project (SCCWRP) that we recommend be added to the list. This proposal is to add two new inland Santa Ana Region sites to SCCWRP's Assessment of Water Quality Loadings From Natural Landscapes. The following is a description of the project:

Many constituents of concern occur naturally and can be found in the most pristine of watersheds. For example, trace metals can arise from the weathering of rocks, nutrients can be leached from soils, and fecal indicator bacteria can arise from wild mammals and birds. Currently, little to no information exists on the magnitude of these, or other, contributions. However, quantifying natural contributions of these constituents of concern is necessary for regulatory agencies to establish reference conditions, set numeric targets, develop water quality criteria, or estimate load allocations.

SCCWRP is launching a research program to quantify the contributions of naturally-occurring constituents of concern from undeveloped watersheds. The study will measure ambient conditions, constituent concentrations, and mass loading during both dry and wet weather from a series of watersheds that are essentially unaffected by human activities. The sites

selected incorporate important natural loading variables such as geological setting (i.e. igneous, metamorphic, or sedimentary formations) and landscape cover (i.e. forest, scrub/shrub, grassland). The impact of differing geology and land cover sites can be utilized for understanding natural variability, predicting reference conditions in impacted waterbodies, and setting expectations for beneficial use condition.

There are currently a number of sites selected throughout the southern California region. For this SEP proposal, two additional sites for assessing natural contributions will be located in the upper Santa Ana watershed. These two sites will be upstream of wastewater treatment plant inputs or municipal separate stormwater system inputs to help determine the reference condition of potentially impacted sites downstream of these categories of discharges. This information can be utilized as a benchmark for comparison to urbanized(ing) watersheds and to estimate the magnitude of water quality impacts.

The cost for adding two additional sites to the SCCWRP study would be approximately \$43,000. This includes site selection and reconnaissance, dry and wet weather sampling, sample analysis, information management and data analysis, and reporting. These funds will be leveraged by the existing SCCWRP Research Program on natural loadings, which is currently expending approximately \$700,000 at roughly 20 sites elsewhere in the southern California region over the next two years.

2. **Problems Associated with Septic Tank-Subsurface Disposal Systems in Quail Valley** – Quail Valley is a rural community northeast of Canyon Lake in Riverside County. Most residents in the area use septic tank-subsurface disposal systems (septic systems) for disposal of sanitary wastewater. There are 600 to 800 septic systems serving over 1600 residents. The residences in the area are mostly manufactured homes on small lots. The soils in the area generally have low percolation rates and are not considered suitable for septic system use.

The drainages from Quail Valley are tributary to Canyon Lake, a municipal water supply source for Elsinore Valley Municipal Water District (EVMWD). Canyon Lake is listed on the Regional Board's Clean Water Act Section 303(d) list of impaired waters. One of the factors listed for this impairment is the high bacteria levels in Canyon Lake. Due to high bacteria levels, Canyon Lake has been closed to body contact recreation for the last several months.

Board staff, in collaboration with City and County officials, conducted an investigation of the sources of bacteria in Canyon Lake and determined

that the runoff in storm drains and drainage channels from Quail Valley contained high levels of enterococcus bacteria. Further investigation led staff to believe that the seepage from old and failing septic systems in Quail Valley is causing high bacteria levels in the drainage channels and consequently in Canyon Lake. The County has indicated that over 50 septic systems failed during the last major storm event. These septic system failures are due to poor soil conditions (low percolation rates), high groundwater, age of the septic systems and poor maintenance of the systems. The area is currently experiencing a building boom; this will exacerbate the septic system problems in Quail Valley and the bacteria problems in Canyon Lake.

Board staff is working with County and City officials, Eastern Municipal Water District (Eastern) and EVMWD to determine short and long term solutions to this problem. Eastern is the service provider for this area and currently does not have sanitary sewer systems in Quail Valley. EVMWD provides service to Canyon Lake residents. The short-term solutions include: (1) requirement by the County for proper citing and regular maintenance of septic systems; and (2) diversion of non-storm water to the sanitary sewer system (the County has already started diverting non-storm water flows from its systems to EVMWD's sanitary sewer systems for treatment and disposal). Long-term solutions could include: (1) septic system prohibition by the Board (through Basin Plan amendment); (2) sanitary sewer service to the area by Eastern; or (3) building moratorium by the County for buildings proposing to use septic systems.

Board staff will continue to work with other involved agencies to develop solutions to this problem, and will update the Board on our progress.

3. **Vessel Waste Sewage Disposal Program** – On February 3, 2005, the Regional Board adopted Order No. R8-2005-011, requiring the implementation of specific provisions of the recommended Vessel Sewage Disposal Program for Newport Bay and Huntington Harbour. The approved Order requires vessel terminal owners/operators and the cities of Newport Beach and Huntington Beach to implement education and access requirements, operation and maintenance requirements, live-aboard vessel requirements and cost provisions. The Regional Board's Order was a follow up to the State Board's General Order No. 2004-0017-DWQ, which requires vessel terminal owner/operators in Newport Bay and Huntington Harbour, including the two Homeowners Associations (HOAs) in Huntington Harbour that are vessel terminals, to install and operate pumpout/dump station facilities. The Regional Board's Order includes provisions that the State Board did not have the legal authority to include in their General Order.

During the February 3<sup>rd</sup> Regional Board Meeting, Mr. Joe Rosen, representing Tennis Estates Homeowners Association in Huntington Harbour, requested that the State Board General Order be interpreted to allow the Tennis Estates HOA's tenants to use a public pumpout facility operated by the City of Huntington Beach (Provision A.3). Provision A.3 of the State Board's General Order states that:

*"For facilities managed by a Homeowner's Association, where the association determines that it cannot justify the need based on a low number of boats with marine sanitation devices or the expense of installing a vessel waste pumpout facility, the Santa Ana Regional Board may authorize, subject to appropriate conditions, the Homeowner's Association to (1) employ a private pumpout service to pumpout the appropriate boats on a consistent and regular schedule in lieu of installing pumpout facilities or (2) contract with another marina located in Huntington Harbour, with an existing pumpout facility, to allow the Association's boat owners to use the marina's pumpout facility."*

The language in the State Board Order is specific to the two HOAs in Huntington Harbour (there are no HOAs in Newport Bay). The State Board added option (2) at their public hearing on the order to address Mr. Rosen's concerns. The matter at issue is whether the HOAs should be allowed to use the City's pumpout facility in lieu of contracting with another marina or in lieu of contracting with a pumpout service.

It is staff's recommendation that the Tennis Estates be authorized to employ option (1) – contracting with a pumpout service. The costs associated with the contract service are minimal. Coral Cay, the other HOA in Huntington Harbour, has already secured the services of a pumpout service at an approximate cost of \$50 per month. Staff believes that the second option identified by the State Board, contracting with another marina (or, as Mr. Rosen requested, with the City), would not be consistent with the underlying purpose of the Vessel Waste Disposal Program, i.e., to assure that adequate numbers of pumpout facilities are available to service vessels in these harbors. Reliance on an existing pumpout station operated by another marina or the City would merely increase the numbers of boats that must rely on these existing pumpouts, which both the Regional Board and State Board agreed were inadequate.